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BOOK REVIEWS.

THE LAW OF WAR BETWEEN BELLIGERENTS: A History and Commentary. By Percy Bordwell, Ph.D., LL.B., Professor of Constitutional Law in the University of Missouri. Chicago, Callahan & Co., 1908. pp.xxiv, 374.

This is a useful and meritorious work. First, it traces succinctly the usages of war from the days of Greece and Rome down to the present. It sets forth the changes in those usages which important international congresses and conferences have established, and dwells at some length and with discrimination on important questions raised in the conduct of recent wars, especially the Franco-German, the South African and the Russo-Japanese wars.

The second part expounds with much fullness the most recent declarations of the principles now recognized for the conduct of war. It is enriched with copious reports of the proceedings of the Geneva and Brussels Conferences, of the action of the Hague Conferences and of the discussions in the Institute of International Law.

The work is written in a spirit of careful scholarship, and presents in a fresh and lucid manner the knowledge which every army and naval officer and every American student of international law should possess.

J. B. A.

A TREATISE ON THE LAW OF LANDLORD AND TENANT. By H. C. Underhill of the New York Bar. In Two Volumes. Chicago: T. H. Flood & Co., Publishers, 1909, pp. ccxxxiv, 1516.

The writer of these books is not a newcomer among legal writers, being the author of a "Treatise on the Law of Evidence," a "Treatise on the Law of Criminal Evidence," a "Treatise on the Law of Wills," and of the article "Criminal Law," in the Cyclopedia of Law and Procedure.

As suggested by the author in his preface there already are in existence a great many text books which treat more or less elaborately of the subject of Landlord and Tenant. The merit and place of a text book, however, depends not upon the number of treatises on the subject which may be in the field, but upon whether the work is an improvement over or adds anything worth while to those already in existence. The merits of this work, then, are to be judged by that standard.

The books show evidences of the same careful and painstaking preparation that marks the earlier efforts of the author. They are manifestly intended for the practitioner rather than the student, for an attempt has been made to make the work an exposition of the law as it is at present, in the doing of which all that is obsolete and most that is of a historical nature has been omitted. The arrangement and manner of treatment are logical and are quite properly based upon the underlying contract principles, the relation of landlord and tenant being essentially a matter of contract. There

are some ten thousand cases cited, among them the late decisions down to the time of publication, and it is in this respect that the chief value of the work is found.

On the other hand the chief criticism is the same that may be made of so many of our modern legal text books. Their value lies almost entirely in their use as digests, the text part being made up of a succession of short and concise statements of the holdings of the courts in various cases referred to in the foot notes, all of which renders any literary style impossible. The manner in which legal text books are prepared and the rapidity with which they are ground out are of course largely responsible for this. The profession is quite well provided with digests, in view of which it would seem that a text book should give us something which is not supplied by the ordinary digest.

Judged by its contemporaries the work of Mr. Underhill will stand high, and it is safe to assert that it will be found by many a valuable addition to the literature upon the subject.

R. W. A.

GENERAL THEORY OF LAW. By N. M. Korkunov, Late Professor of Public Law, University of St. Petersburg. English Translation by W. G. Hastings, Dean of the Law Faculty, University of Nebraska. Boston: The Boston Book Company, 1909, pp. xiv, 524.

In its present form this book is of cosmopolitan origin. Written by a Russian professor, it was published in French as being the best book on Public Law available for use in the International Library of Public Law. In this form it came under the notice of Dean Hastings who secured the assistance of Mr. Felix Newton, a born Russian, to translate it from the original, the French version being used freely to aid the translators in their work.

In content the dependence of the author is mainly on the works of the Germans in "Rechtsphilosophie," though French writers on the subject are frequently quoted and the author seems to have more knowledge of what has been done in English than is usually evinced by the Continental writer on the subject.

The philosophic position of Professor Korkunov seems to be between that of the German metaphysical school and the English analytical jurists. He says, Introduction, p. 31, "neither the encyclopedic method which seeks a remedy for the excessively fragmentary condition of our science in a review, superficial it is true, of the whole of it in all its branches, nor the philosophic system which attempts to find the deepest source of the science in some *a priori* principles, have reached their object. * * * Consequently, the philosophy of law, the metaphysical science of absolute legal principles, is replaced little by little with a general theory of law, which has as its base positive and historic proofs. This tendency is very marked in England where it is known under the name of the analytical school."

But although he thus seems to identify his own "General Theory of Law" with the Analytical Jurisprudence of the Austinian School, his treatment of the subject bears more resemblance to that of the German metaphysician than